

REC'D 12 JAN 2005

PCT



WIPO PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

10/542258

Applicant's or agent's file reference P045539PCT		FOR FURTHER ACTION		See Form PCT/PEA/416
International application No. PCT/NL2004/000038		International filing date (day/month/year) 16.01.2004	Priority date (day/month/year) 16.01.2003	
International Patent Classification (IPC) or national classification and IPC B29C45/17, B29C45/26				
Applicant SPG PROMATRIX B.V. et al.				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 09.08.2004		Date of completion of this report 11.01.2005		
Name and mailing address of the International preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Alink, M Telephone No. +49 89 2399-6076 		

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/NL2004/000038

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☒ This report is based on translations from the original language into the following language English, which is the language of a translation furnished for the purposes of:
- ☒ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-5 as originally filed

Claims, Numbers

1-10 as originally filed

Drawings, Sheets

1/1 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing *(specify)*:
 - ☐ any table(s) related to sequence listing *(specify)*:
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing *(specify)*:
 - ☐ any table(s) related to sequence listing *(specify)*:

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/NL2004/000038

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-8
	No: Claims	9-10
Inventive step (IS)	Yes: Claims	1-8
	No: Claims	9-10
Industrial applicability (IA)	Yes: Claims	1-10
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.

PCT/NL2004/000038

Re Item V.

- 1 The following documents are referred to in this communication:

D1 : US 4 500 275 A (RUHL EDWARD A) 19 February 1985 (1985-02-19)

D2 : DE 196 27 176 A (GRÄBKE WOLFGANG) 8 January 1998 (1998-01-08)

D3 : EP 0 549 928 A (HOFMANN KONRAD) 7 July 1993 (1993-07-07)

- 2.1 Document D1, which is considered to represent the most relevant state of the art, for independent claim 1, discloses (the references in parenthesis applying to this document):

a mould holder comprising an accommodation for receiving a mold part (6,7) and a fixing for fixing to an injection moulding machine whereby said mould holder comprises two end face parts (2,3,4,5) located opposite one another and spacers (24,25), wherein said accommodation is delimited between said end parts and said spacers and wherein there are first prestressing means to pull said end face parts towards another with prestressing (cf. D1, column 4, lines 31-35)

From this, the subject-matter of independent claim 1 differs in that:
said spacers are arranged between the two end face parts.

- 2.1.1 The subject-matter of claim 1 is therefore novel (Article 33(2) PCT)

The problem to be solved by the present invention may be regarded as:
to provide a mold holder that has a structure that is not too bulky, can be handled relatively easily can accommodate the mould part with small tolerance (cf. page 1, last line, page 2, line 2).

- 2.1.2 The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:
the suggested solution is neither known nor suggested by any of the prior art documents as being mentioned in the search report.

- 2.1.3 Claims 2-8 are dependent on claim 1 and as such also meet the

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.

PCT/NL2004/000038

requirements of the PCT with respect to novelty and inventive step.

- 2.2 Document D2, which is considered to represent the most relevant state of the art, for the independent claims 9 and 10 discloses all features of said independent claims.

The subject-matter of claims 9 and 10 is therefore not novel (Article 33(2) PCT)

3. The following is noted too:
- (a) Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1 and D2 is not mentioned in the description, nor are these documents identified therein.
 - (b) Although claim 1 is drafted in the two-part form, some features are incorrectly placed in the characterising portion, as they are disclosed in document D1 in combination with the features placed in the preamble (Rule 6.3(b) PCT) (cf. 2.1 paragraph of this communication).
 - (c) According to the requirements of Rule 10.2 PCT, the terminology and the signs shall be consistent throughout the application. This requirement is not met in view of the use of the expressions "end face parts" (cf. claim 1), "mould holder parts" (cf. claim 9), mold parts (cf. claim 10) for apparently the same feature.
 - (d) The features of the claims 9 and 10 are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).